



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

the Application of

Dennis STAMIRE et al.

Group Art Unit: 1754

Application No.: 10/042,730

Examiner: C. Nguyen

Filed: March 15, 2002

Docket No.: 040864.04

For: PROCESS FOR PRODUCING ANIONIC CLAY USING TWO TYPES OF ALUMINA COMPOUNDS

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B6

TERMINAL DISCLAIMER

Director of the U.S. Patent and Trademark Office  
Washington, D.C. 20231

Sir:

Your Petitioner, Akzo Nobel NV, represents that it is the owner of a 100% interest in the above-identified patent application by virtue of an Assignment filed June 2, 1999 and recorded at Reel 9995, Frame 0235-6. The undersigned also certifies that he is empowered to execute this Terminal Disclaimer on behalf of the assignee.

Your Petitioner hereby disclaims the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration of the full statutory term as presently shortened by any Terminal Disclaimer, of U.S. Patent No. 6,171,991 B1 issued January 9, 2001 and of U.S. Patent No. 6,440,887 B1 issued August 27, 2002, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said U.S. Patents shall be the same as the legal title to any patent issuing from the above-identified application, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration of the full statutory term as presently shortened by any Terminal Disclaimer of said U.S. Patents in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any Terminal Disclaimer.

Our Check No. 145353 in the amount of \$110 is attached in accordance with 37 CFR 1.20(d). The U.S. Patent and Trademark Office is authorized to debit Deposit Account No. 15-0461 in the amount necessary to effect filing of this Terminal Disclaimer.

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DATE: August 21, 2003

SIGNED:

TYPED NAME:

William P. Berridge

TITLE OR REGISTRATION NO.  
OF ATTORNEY OF RECORD:

30,024

*William P. Berridge*

## T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

DATE: 29-Oct-03

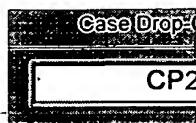
APPL. S.N.:

10/042,730TO: EXAMINER NGUYEN, CAM N  
FROM: Walker, Angela  
PARALEGAL SPECIALIST

ART UNIT:

1754

RETURN THIS MEMO TO:

SUBJECT: Decision on Terminal Disclaimer (T.D.) filed: 21-Aug-03

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete, please initial, date and return this memo to me. THANK YOU.

The T.D. is PROPER and has been recorded (see ¶14.23).

The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see ¶ 14.24):

- The TD fee of   has not been submitted nor is there any authorization in the application file for the use of a deposit account (see ¶ 14.26.07).
- The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see ¶¶ 14.26 & 14.26.01).
- The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see ¶ 14.27.01).
- The T.D. is directed to a particular claim(s), which is not acceptable since “the disclaimer must be for a terminal portion of the term of the entire patent to be granted” (MPEP 1490) (see ¶¶ 14.26 & 14.26.02).
- The person who signed the T.D.:
  - is not an attorney “of record” (see ¶¶ 14.29 and 14.29.01).
  - has failed to state his/her capacity to sign for the business entity (see ¶ 14.28).
  - is not recognized as an officer of the assignee (see ¶¶ 14.29 & possible 14.29.02).
- No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see ¶ 14.30).
- The T.D. is not signed (see ¶¶ 14.26 & 14.26.03).
- The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see ¶ 14.32).
- The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed) is missing or incorrect (see ¶¶ 14.26, 14.27.02 or 14.26.05).
- The period disclaimed is incorrect or not specified (see ¶¶ 14.26, 14.27.02 or 14.26.03).
- Other:
- Suggestion to request refund (see ¶ 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex. Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Log Date: \_\_\_\_\_